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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,995	06/26/2003	Chetan Jain	10.0444	4759
23474 7590 01/08/2008 CLEMENTS WALKER 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211				
EXAMINER				
SWEARINGEN, JEFFREY R				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,995

Applicant(s)

JAIN ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments concerning the McPartlan reference are not persuasive.
2. Applicant's specification failed to give a clear indication of what *NE element-independent Version Independent functionality* comprises the core application containing no code specific with any network element can be reasonably interpreted as. Applicant only argued McPartlan did not have a core application with NE element-independent Version Independent functionality. See McPartlan, column 3, line 22. Applicant makes an argument concerning the CMIP protocol, but it is unclear what Applicant is intending to argue.
3. Applicant argued McPartlan failed to disclose *managing the particular network element with the set of element-dependent modules*. Column 3, lines 21-40 detail the management of network elements. It is unclear what Applicant is intending to argue concerning this element.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by McPartlan et al. (US 5,822,569).
6. In regard to claims 1, 15, McPartlan disclosed:
executing a core application, the core application comprising NE element-independent Version Independent functionality that can be invoked to interact with any network element, wherein NE element-independent Version Independent functionality comprises the core application containing no code specific with any network element; column 3, line 22
receiving an indication of a particular network element to be managed; column 3, line 32

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obtaining a description of the particular network element, which specifies one or more characteristics of the particular network element; column 3, lines 31-35

accessing, based upon the description, a set of one or more element-dependent modules, the set of element-dependent modules comprising functionality for invoking one or more management services provided by the particular network element; column 8, lines 55-67 and

dynamically incorporating at least a portion of the set of element-dependent modules with the core application to derive a management system capable of managing the particular network element; and Column 9, line 64 – column 10, line 10

managing the particular network element with the management system with the set of element-dependent modules. Column 3, lines 21-40

7. In regard to claims 2, 16, McPartlan disclosed:

the set of element-dependent modules comprises a first proxy corresponding to a first management service provided by the particular network element, the first proxy comprising functionality for converting a generic service invocation from the core application into a specific invocation of the first management service. Column 4, lines 35-58; column 5, lines 19-25. The CMIP/SNMP mapper acts as the proxy between CMIP and SNMP

8. In regard to claims 3, 17, McPartlan disclosed:

the first proxy implements a common interface implemented by all proxies, and wherein the core application interacts with the first proxy via the common interface. Column 5, lines 19-25

9. In regard to claims 4, 18, McPartlan disclosed:

dynamically incorporating the set of element-dependent modules comprises:
instantiating the first proxy to give rise to a first proxy instance; column 5, lines 41-58 and
incorporating the first proxy instance with the core application. Column 5, lines 41-58

10. In regard to claims 5, 19, McPartlan disclosed:

the first proxy manages one or more managed object classes, and wherein the set of element-dependent modules further comprises the one or more managed object classes. Column 5, lines 19-40

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11. In regard to claims 6, 20, McPartlan disclosed:

dynamically incorporating the set of element-dependent modules comprises:

loading the one or more managed object classes. Column 4, lines 22-58

12. In regard to claims 7, 21, McPartlan disclosed:

each managed object class implements a second common interface implemented by all managed object classes. Column 4, lines 22-58

13. In regard to claims 8, 22, McPartlan disclosed:

each managed object class comprises functionality for converting a raw data type used by the first management service into a generic data type used by the core application. Column 4, lines 22-58

14. In regard to claims 9, 23, McPartlan disclosed:

each managed object class comprises functionality for converting a generic data type used by the core application into a raw data type used by the first management service. Column 4, lines 22-58

15. In regard to claims 10, 24, McPartlan disclosed:

the set of element-dependent modules comprises a service descriptor which provides a description of at least one particular management service provided by the particular network element, the service descriptor specifying one or more managed object classes managed by the particular management service. Column 4, lines 35-54

16. In regard to claims 11, 25, McPartlan disclosed:

the set of element-dependent modules comprises a user interface screen associated with a particular managed object class, and wherein the user interface screen comprises fields for rendering data corresponding to attributes of the particular managed object class. Column 3, lines 41-49. In order for the human operator to know what data is present in McPartlan, it must inherently be displayed on a user interface screen in the manner claimed.

17. In regard to claims 12, 26, McPartlan disclosed:

the set of element-dependent modules further comprises a screen descriptor associated with the user interface screen, the screen descriptor specifying a mapping between the fields of the user interface

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screen and the attributes of the particular managed object class. Column 3, lines 41-19. Column 4, lines 22-58.

18. In regard to claims 13, 27, McPartlan disclosed:

the characteristics of the particular network element comprise an indication of an element type, and an indication of an element version. Column 4, lines 35-54

19. In regard to claims 14, 28, McPartlan disclosed:

receiving an indication of a second network element to be managed; column 3, line 32
obtaining a second description of the second network element, which specifies one or more characteristics of the second network element; column 3, lines 31-35
accessing, based upon the second description, a second set of one or more element-dependent modules, the second set of element-dependent modules comprising functionality for invoking one or more management services provided by the second network element; column 8, lines 55-67 *and*
dynamically incorporating at least a portion of the second set of element-dependent modules with the core application to derive a management mechanism capable of managing both the particular network element and the second network element. Column 9, line 64 – column 10, line 10.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu US 5,185,860

Nagai et al. US 5,483,631

Fuchsreiter et al. US 5,544,314

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

JRS

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145